IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 16095 of 2007(N)

PETITIONER:

A.NAZUMUDEEN, S/O.MUHAMMAD HANEEF,
RATIONING INSPECTOR, ERAVIPURAM FURKA,
TALUK SUPPLY OFFICE, KOLLAM, RESIDING AT
PANDAKASSALAKIZHAKKATHIL, KILIKOLLOOR,
KALLUMTHAZHAM P.O., KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED SECRETARY
TO CIVIL SUPPLIES, SECRETARIAT, THIRUVANANTHAPURAM

2. DIRECTOR OF CIVIL SUPPLIES,
THIRUVANANTHAPURAM.

3. THE DISTRICT SUPPLY OFFICER, KOLLAM.

4. TALUK SUPPLY OFFICER, KOLLAM.

5. M.ABDUL SALAM, RATIONING OFFICER,
IDUKKY.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.16095 OF 2007-N

Judgment

The petitioner was working as a Rationing Inspector in Eravipuram in Kollam district. He submits, he is yet to complete three years there. While so, he has been transferred by Ext.P2 order to Idukki. So, this Writ Petition is filed, challenging Ext.P2. The petitioner submits, the transfer has been ordered to accommodate the 5th respondent. So, it is arbitrary and illegal. He is due to retire from service in April 2008 and so, the present transfer is unjustified. No public interest is involved in disturbing him. Going by Ext.P2, it can be seen that strict instructions have been issued to relieve the petitioner with immediate effect and so, the transfer is vitiated by extraneous reasons, it is pointed out. There are several juniors of the petitioner in Kollam district and therefore, the transfer of the petitioner to Idukki is unjustified, it is submitted.

2. The learned Government Pleader upon instruction, submitted that the 5th respondent is due to retire from service in November 2007 and to give him a posting in his home station, the petitioner has been disturbed. This Court can interfere with a transfer, if only the same is illegal or vitiated by mala fides. Though some vague allegations of extraneous considerations have been raised in the Writ Petition, there are no materials to support the same. So, this Court is not justified in interfering with Ext.P2 transfer order. In

the result, the Writ Petition fails and it is dismissed. But, this will not affect the right of the petitioner, if any, to represent against Ext.P2 before the competent authority.

29.05.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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